

Judge Barrow was confirmed by the following vote: Yeas 26, Nays 0.

Absent-excused: Adams, Clower, Kothmann, Mauzy, Moore.

AT EASE

The President at 10:52 o'clock a.m. announced the Senate would Stand At Ease Subject to Call of the Chair.

IN LEGISLATIVE SESSION

The Senate met at 12:23 o'clock p.m. and was called to order as In Legislative Session by the President.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Aikin submitted the following report for the Committee on Finance:

S.B. 11

C.S.S.B. 7 (Read first time)

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 29 - by Longoria: Extending congratulations to Constantino Zarate.

S.R. 30 - by Brooks: Extending welcome to Victoria L. Stone.

ADJOURNMENT

On motion of Senator Traeger the Senate at 12:24 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow in memory of Wilkes J. Kothmann, father of Senator Glenn Kothmann.

FIFTH DAY

(Tuesday, July 19, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Adams, Kothmann, Longoria, Mauzy.

A quorum was announced present.

Senator Kent Hance offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Kothmann was granted leave of absence for today on account of death in family on motion of Senator Aikin.

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Adams was granted leave of absence for today on account of important business on motion of Senator Jones of Taylor.

Senator Mauzy was granted leave of absence for today on account of official state business on motion of Senator Doggett.

REPORT OF STANDING COMMITTEE

Senator Brooks submitted the following report for the Committee on Human Resources:

C.S.S.B. 9 (Read first time)

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

S.B. 1

SENATE CONCURRENT RESOLUTION 6 LAID ON TABLE SUBJECT TO CALL

On motion of Senator Mengden and by unanimous consent, **S.C.R. 6** was Laid on Table Subject to Call.

SENATE CONCURRENT RESOLUTION 7 LAID ON TABLE SUBJECT TO CALL

On motion of Senator Mengden and by unanimous consent, **S.C.R. 7** was Laid on Table Subject to Call.

SENATE RESOLUTIONS ON FIRST READING

The following resolutions were introduced, read first time and referred to the Committee indicated:

S.J.R. 3 by Creighton Finance
Proposing an amendment to Article VIII, Section 1-d of the Texas Constitution, to authorize separate appraisal formulas to promote preservation of land devoted to farm, ranch, and forest purposes.

S.C.R. 9 by Traeger Administration
Granting C. Woodrow Deal permission to sue the State of Texas.

S.R. 35 by Mengden, Brooks, Truan Human Resources
Directing Committee on Human Resources to study, during interim, existing problems in nursing homes and develop possible legislation to solve problems.

SENATE CONCURRENT RESOLUTION 11

Senator Patman offered the following resolution:

S.C.R. 11, Congratulating Mrs. Carolyn Harrell on assuming the presidency of the Texas State Teachers Association.

The resolution was read.

On motion of Senator Patman and by unanimous consent, the resolution was considered immediately and was adopted.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

PRESENTATION OF GUEST

Senator Patman presented Mrs. Harrell to the Members of the Senate.

SENATE BILL 11 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 11, Relating to assets and liabilities of an abolished state agency or advisory committee; amending Subsections (c), (e), and (f), Section 1.17, Senate Bill No. 54, Acts of the 65th Legislature, Regular Session, 1977.

The bill was read second time and was passed to engrossment.

SENATE BILL 11 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 11** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Adams, Kothmann, Longoria, Mauzy.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Moore.

Absent-excused: Adams, Kothmann, Longoria, Mauzy.

COMMITTEE SUBSTITUTE SENATE BILL 7 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 7, Relating to deepwater ports and the Texas Deepwater Port Authority; amending the Water Code by adding Chapter 19; amending Section 5, Texas Deepwater Port Act (Article 5415i, Vernon's Texas Civil Statutes); making an appropriation.

The bill was read second time and was passed to engrossment by the following vote: Yeas 23, Nays 4.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Lombardino, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Braecklein, Harris, McKnight, Moore.

Absent-excused: Adams, Kothmann, Longoria, Mauzy.

COMMITTEE SUBSTITUTE SENATE BILL 7 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 7** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Lombardino, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Harris, McKnight, Moore.

Absent-excused: Adams, Kothmann, Longoria, Mauzy.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 4.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Lombardino, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Braecklein, Harris, McKnight, Moore.

Absent-excused: Adams, Kothmann, Longoria, Mauzy.

SENATE CONCURRENT RESOLUTION 12

Senator McKnight offered the following resolution:

BE IT RESOLVED, By the Senate of the 65th Legislature, First Called Session, the House of Representatives concurring, that the First Called Session of the 65th Legislature, stand adjourned sine die at 6:00 p.m. July 20, 1977.

McKNIGHT
MOORE

The resolution was read.

Senator Sherman raised the Point of Order that further consideration of the resolution was out of order because it violated Senate Rule 78(b).

The President sustained the Point of Order.

MOTION TO PLACE SENATE CONCURRENT RESOLUTION 12 ON SECOND READING

Senator McKnight moved to suspend all necessary Senate rules in order to consider S.C.R. 12 at this time.

The motion was lost by the following vote: Yeas 10, Nays 16.

Yeas: Andujar, Braecklein, Clower, Creighton, Harris, Lombardino, McKnight, Moore, Snelson, Traeger.

Nays: Aikin, Brooks, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Absent: Ogg.

Absent-excused: Adams, Kothmann, Longoria, Mauzy.

The resolution was then referred to the Committee on Administration.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones of Harris and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider S.C.R. 12 at any time.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 31 - by Schwartz: Extending welcome to Mrs. V. W. Uher, Jr., Mrs. V. W. Uher, Sr., and Mrs. Pearl Perrett.

S.R. 32 - by Doggett, McKnight: Extending congratulations to Dr. Robert C. Cotner.

S.R. 33 - by Braecklein: Extending congratulations to Gershon Canaan, Honorary Consul of the Federal Republic of Germany.

S.R. 34 - by Clower: Extending congratulations to Anna Beth and Arthur Kelly.

S.R. 36 - by Aikin: Extending welcome to Mrs. Clyde Aikin Thornburrow.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:45 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory**of****Wilkes J. Kothmann**

Senator Lombardino offered the following resolution:

(Senate Concurrent Resolution 10)

WHEREAS, Citizens of San Antonio were deeply saddened by the death of Wilkes J. Kothmann on July 15, 1977, at the age of 81; Mr. Kothmann was the father of State Senator Glenn H. Kothmann of San Antonio; and

WHEREAS, A lifetime resident of San Antonio, Mr. Kothmann was an active participant in civic affairs and had greatly contributed to his community and its citizens; he was for 65 years senior partner of J. W. Kothmann and Sons Livestock Commission Company, the oldest livestock commission company operating in the state, and he was a director of the San Antonio Livestock Show; and

WHEREAS, A devoted husband and father, this esteemed gentleman was a faithful member of Palm Heights United Methodist Church and will be deeply missed by his many friends in San Antonio and throughout this state; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 65th Legislature, 1st Called Session, pay tribute to the life of service of Wilkes J. Kothmann, and extend sympathy on their great loss to the members of his family: to his wife, Mrs. Lillie Mertz Kothmann of San Antonio; his sons, Dr. John Henry Kothmann, Wilburn Mertz Kothmann, and Senator Glenn H. Kothmann, all of San Antonio; his daughters, Mrs. Lillian Kingston of San Antonio, Mrs. Robert A. Whitt of Austin; Mrs. Clyde Hale of Houston; and his sisters, Mrs. Emilie Laechelin, Mrs. Minnie Eckhart, Mrs. Alice Lambert, and Mrs. Helen Wall, all of San Antonio; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his family, and that when both houses of the Texas Legislature adjourn this day, they do so in memory of Wilkes J. Kothmann.

**LOMBARDINO
TRAEGER**

The resolution was read.

On motion of Senator Lombardino and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.